

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.
09-10001-WGY

* * * * *
UNITED STATES OF AMERICA
v.
MICHAEL CLIFFORD
* * * * *

SENTENCING EXCERPT

BEFORE: The Honorable William G. Young,
District Judge

1 Courthouse Way
Boston, Massachusetts

September 21, 2009

1 **THE COURT:** Mr. Michael Clifford, in consideration
2 of the information from the United States Attorney, your
3 attorney, the probation office, and the Court having said
4 that it adopts the presentence report, I do sentence you to
5 15 years in the custody of the United States, in the custody
6 of the United States Attorney General, the Bureau of
7 Prisons. That sentence is to be followed by 15 years of
8 supervised release. Restitution in the specific amount --
9 it's more than twenty -- where is it in the presentence
10 report? Paragraph? Here it is. I have it.

11 **MR. KELLY:** 97.

12 **THE COURT:** 97. In the amount of \$27,378. And a
13 special assessment of \$100. The restitution to be paid to
14 the victim of this crime to defer the cost of therapy in the
15 years to come.

16 I impose no fine due to your inability to pay a
17 fine.

18 You'll get credit for that sentence from
19 January 9th to the present day, day for day.

20 Now, let me explain this sentence to you. Because,
21 although this has all been worked out, all sentences,
22 judicial sentences are the responsibility of the --

23 Yes, Mr. Kelly?

24 **MR. KELLY:** I'm sorry to interrupt. But could the
25 Court also make as part of its pronouncement that there's a

1 forfeiture of --

2 **THE COURT:** And forfeiture of those items which are
3 specified in the plea agreement.

4 Now, Mr. Clifford, one thing on your behalf. This
5 has been very carefully worked out. I do accept that today
6 you, you do accept responsibility for this crime; that today
7 you have some conception of what in fact you have done. At
8 the same time, this is a hideous crime. You have damaged
9 the victim of this crime for life. The sentence that has
10 been worked out, properly worked out with your attorney
11 doing everything he can for you, and with the prosecutors,
12 the United States Attorney, acting intelligently and
13 sensitively, is an appropriate and a fair sentence. The
14 minimum mandatory sentence set out by congress is, of
15 course, a sentence I must impose, but one which I want to
16 say directly to you, sir, is a wise and a just sentence for
17 this specific crime.

18 Now, although this has all been worked out, I tell
19 you, you have a right to appeal from any findings or rulings
20 the Court has made against you. Should you appeal and
21 should your appeal be successful in whole or in part and the
22 case remanded you'll be resentenced before another judge.

23 Mr. Smith, should an appeal be decided upon, I want
24 you to order transcript from the court reporter before
25 filing your notice of appeal because I'll turn it around

1 right away.

2 Do you understand? Yes. Thank you. I didn't hear
3 your response.

4 **MR. SMITH:** I understand, yes, your Honor.

5 **THE COURT:** Thank you.

6 **THE PROBATION OFFICER:** Your Honor, any special
7 conditions you wish to inform --

8 **THE COURT:** Oh, I'm sorry, there are numerous
9 special conditions and I didn't mean to jump over them.
10 Here they are.

11 You're prohibited from possessing a firearm,
12 destructive device, or other dangerous weapon. You're to
13 participate in a sex offender specific treatment program
14 which may include sex offender testing at the direction of
15 the probation office. You shall be required to submit to
16 periodic polygraph testing as a means to ensure that you are
17 in compliance with your therapeutic program. You're
18 prohibited from engaging in an occupation, business or
19 profession that requires or enables you to have direct or
20 indirect supervision over children under the age of 18. In
21 view of restitution, you're prohibited from incurring new
22 credit charges, opening additional lines of credit, without
23 the approval of the probation office. You're to provide the
24 probation office access to any requested financial
25 information which information may be shared with the

1 Financial Litigation Unit of the United States Attorney's
2 office.

3 That's the -- those are the special conditions.

4 **THE PROBATION OFFICER:** Your Honor, a judicial
5 recommendation for the Bureau of Prisons sex offender
6 treatment program?

7 **THE COURT:** You certainly think that makes sense,
8 don't you, Mr. Smith?

9 **MR. SMITH:** I think I very well may not take a
10 position on that.

11 **THE COURT:** You're neutral on that.

12 **MR. SMITH:** But, your Honor, I would ask this. The
13 only recommendation I would have, if the Court would be so
14 inclined, would be, my client grew up in the Massachusetts
15 area, he still has some distant family, if you would be
16 inclined to sentence him to a facility close to home.

17 **THE COURT:** Okay, let's take it step by step.

18 First, the remark and recommendation from the
19 probation officer. The Court does recommend to the Bureau
20 of Prisons that Mr. Clifford be admitted to the sex offender
21 program within the Bureau of Prisons, and I adopt your
22 request, Mr. Smith, that he be -- you want him at Devens?

23 **MR. SMITH:** Yes, your Honor.

24 **THE COURT:** That, again, I recommend to the Bureau
25 of Prisons that he serve his sentence at Fort Devens.

1 **MR. KELLY:** Your Honor, maybe I missed this, excuse
2 me. But with respect to the restitution, I don't want him
3 to wait until the end of his fifteenth year in prison to
4 start paying it. Is there a time period imposed as to --

5 **THE COURT:** It's payable forthwith, since you say
6 he can cash out.

7 **MR. KELLY:** Yes.

8 **THE COURT:** It's payable forthwith, to the extent
9 of his ability to pay.

10 **MR. KELLY:** Thank you.

11 **THE COURT:** He's remanded to the custody of the
12 marshals. That's the sentence. We'll recess.

13 **THE CLERK:** All rise. Court is in recess.

14 (Whereupon the matter concluded.)
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